

ELLOYD JOHNSON

Petitioner,

VS.

**RICK THALER, Director
Texas Department of Criminal Justice,
Correctional Institutions Division**

Respondent.


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NO. 3-09-CV-2109-M

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge; provided, however, rather than to dismiss petitioner's application for writ of habeas corpus without prejudice pending review by a three-judge panel of the court of appeals, this Court **TRANSFERS** the case to the United States Court of Appeals for the Fifth Circuit.

SO ORDERED this 22nd day of January, 2010.



BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS